

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NO. 24-80563-CIV-CANNON/McCabe

DEENA D'CLUTE,

Plaintiff,

v.

FLORIDA POWER & LIGHT COMPANY,

Defendant.

/

ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court upon Magistrate Judge McCabe's Final Report and Recommendation (the "Report"), issued on November 20, 2024 [ECF No. 42], and Magistrate Judge McCabe's Preliminary Report and Recommendation (the "Preliminary Report"), issued on November 8, 2024 [ECF No. 40]. The Report recommends that Defendant's Motion for Sanctions (the "Motion") [ECF No. 30] be granted in part and denied in part. No party filed objections to the Report, and the time to do so has expired. Upon review of the Report and the Motion, the Report [ECF No. 42] is **ACCEPTED**, and the Motion [ECF No. 30] is **GRANTED IN PART** and **DENIED IN PART** for the reasons stated in the Report.

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See Fed. R. Civ. P. 72(b)(3); Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report,

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the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Following review, the Court finds no clear error on the face of the Report and no errors of law. Accordingly, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The Report and Recommendation [ECF No. 42] is **ACCEPTED**.
2. The Motion [ECF No. 30] is **GRANTED IN PART** and **DENIED IN PART** for the reasons stated in the Report.
3. If Plaintiff failed to provide an answer by the November 11, 2024, deadline [ECF No. 40], **Plaintiff shall pay to Defendant a sanction of \$1,000 per day until she provides the answer**. If Plaintiff fails to provide an answer for ten (10) consecutive days, reaching a total sanction of \$10,000, the Court will entertain a motion for the more severe sanctions listed in Rule 37(b)(2)(A).
4. Separate and apart from these sanctions, pursuant to Fed. R. Civ. P. 37(b)(2)(C), **Plaintiff shall pay to Defendant \$2,000 in costs and attorneys' fees** incurred in bringing this Motion. Plaintiff must transmit this payment **on or before December 11, 2024**, in accordance with the Report [ECF No. 42].

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 9th day of December 2024.



AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record